

## **AMENDMENT TO THE DRAWINGS**

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Figs. 1-5, replaces the original sheet including Figs. 1-5.

Attachment: Replacement Sheet, 1 page

## **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1-4, 7 and 10 remain in the application. Claims 5-6 and 8-9 have been withdrawn from consideration.

The Examiner has objected to dependent claim 2, because when referring to independent claim 1, the listed numeral was within parenthesis (1). This has been corrected herein. Reconsideration and withdrawal of the objection to claim 2 is respectfully requested.

The Examiner has objected to the reference numbering within the claims. Applicant herein has deleted all reference numbering from within the claims. Further, applicant has reviewed the specification and confirms that all reference numbers used within the specification are included in the drawings. Withdrawal of the objections based on reference numbering in the claims is respectfully requested.

The Examiner has requested that the term "Prior Art" be added to Fig. 1. This has been done herein.

The Examiner has noted that there is no description of Fig.1 within the specification. Applicant notes that a description is provided in paragraph [0024] of the Substitute Specification filed on April 18, 2005.

The Examiner has objected to the Specification due to typos found therein. Applicant believes the Examiner was reviewing the original Specification and not the

Substitute Specification submitted on April 18, 2005. Applicant has been unable to find the errors referred to by the Examiner and requests that the Examiner review the Substitute Specification submitted on April 18, 2005. If the errors are still found, Applicant requests that the Examiner indicated by paragraph number where they can be found.

Claims 1, 3 and 4 stand rejected as being anticipated by U.S. 3,900,022 to Widran (hereinafter Widran). For the following reasons, the Examiner's rejection is traversed.

Widran is directed to an endoscope having two coextensive fluid conduits along its length. The conduits are demarked interiorly of a sheath by means of a pair of longitudinally extending radial ribs or flanges projecting between the inner wall surface of the sheath and the outer wall surface of a probe assembly passing through the sheath.

Regarding amended claim 1, Widran fails to disclose a support device that is *spaced from the proximal end* of the tubular shaft, as required. Rather, in Widran, the radial ribs or flanges 60 and 62 that support the telescope 28 via surface 72, run along the entire length of the sheath 24 and are not spaced from the proximal end. This is because the ribs 60 and 62 define fluid conduits 56 and 58 that "extend lengthwise through the sheath" (see Widran Col. 2 Lines 52-58) If the ribs, and thus the fluid conduits, did not extend along the entire sheath, the fluid conduits would not be effective. As can be easily seen by referring to Fig. 2 of Applicant's application, Applicant does not have a similar conduit structure and by having the support device 12 spaced from the end of the tubular shaft, a sufficient amount of room is provided for positioning sliding tube 10. Because a support device that is spaced from the

proximal end of the tubular shaft is not disclosed in the reference, the claim is not anticipated.

Regarding dependent claim 3, Widran fails to disclose fixed webs which are each arranged in contact with the optical system and the tubular shaft on both sides of the carrier and in sliding contact with it. Rather, Widran discloses ribs 60 and 62 (referring to Fig. 2 of Widran) that are offset from the wires 42 and sleeve 46 that carries the wires in Widran. Neither the sleeve 46, nor the wires 42 therein are located between the legs 60 and 62. Thus the claim is not anticipated.

Regarding claim 4, claim 4 depends directly from claim 1 which is believed to be allowable at least for the reasons stated above.

Reconsideration and withdrawal of the rejection of claims 1, 3 and 4 is respectfully requested.

Claims 2 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Widran. For the following reasons, the Examiner's rejection is traversed.

Regarding claim 2, Applicant disagrees that it would have been an obvious variation of Widran to extend the support device of the present invention to such a degree that the optical system is brought into contact with the side of the tubular shaft to provide a three point support system. By providing a three point support system, unexpected improvements in the stability of the manner in which the optical system is held are realized. Additionally, claim 2 depends directly from claim 1, which is believed to be allowable at least for the reasons stated above.

Regarding claim 10, Widran does not teach or suggest a support device for the optical system, wherein the support device is spaced from the proximal end of the tubular shaft as required. As previously stated, the supporting ribs 60 and 62

within Widran extend along the entire length of the endoscope sheath. Additionally, claim 10 also includes a three point support system. As stated above, a three point support system is not an obvious variation of the teaching of Widran.

Reconsideration and withdrawal of the rejection of claims 2 and 10 as being unpatentable over Widran is respectfully requested.

Claim 7 stands rejected as being unpatentable over Widran in view of U.S. 3,752,159 to Wappler. For the following reasons, the Examiner's rejection is traversed.

Wappler is directed to a resectoscope cutting electrode, a tubular sheath, an optical telescope comprising a tubular stem within the sheath, an eyepiece at the proximal end of the stem and an objective lens at the distal end of the stem wherein the cutting electrode is carried by and reciprocable along the telescope stem.

Regarding claim 7, even if the references were combined in the manner proposed by the Examiner, the invention would not result. Additional elements would be required. Specifically, within claim 7, a carrier having strips that contact webs in a longitudinal region, as required, is not taught or suggested. The Examiner states that it would have been obvious to change Widran to provide more support for the arms. Applicant questions what arms are being changed within Widran as the arms are taught only in Wappler. If the Examiner refers to the ribs 60 and 62 in Widran, making changes to these elements does not result in the claimed invention. The claimed invention requires the carrier to be longitudinally movable on the webs and relative movement between the tubes 72 and 46 is not taught in Widran nor suggested within Wappler. Further, in Wappler, projecting parts 19 are not used in providing relative movement between an electrode carrier and support structures

within an endoscope. Rather, the projecting parts 19 act simply to guide the cutting electrode at the distal end of a resectoscope where the electrode diverges to form a cutting loop. Specifically, the electrode diverges upwardly and outwardly within the parts 19 until a point is reached where the loop begins. This is the sole function of projecting parts 19, which, as disclosed, do not have the physical properties required for promoting sliding contact with a structural support member.

Reconsideration and withdrawal of the rejection of claim 7 under §103(a) is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. SCH-15950.

Respectfully submitted,

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